

City of Lake Elmo  
Washington County, Minnesota

NOTICE OF SPECIAL MEETING

Tuesday, June 29, 2010

7:00 p.m.  
Lake Elmo City Hall  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

The Lake Elmo City Council will hold a Special Meeting to consider a resolution establishing a municipal library levy pursuant to Minnesota Statute 134.07.

Sharon Lumby  
City Clerk

City of Lake Elmo  
PLANNING COMMISSION

REQUEST TO ADDRESS THE PLANNING COMMISSION

If you wish to address the planning commission, please fill in the form and give it to the planner.

The planning commission chair will call upon you to speak at the appropriate time.

NAME Dave Moore

ADDRESS 8680 St. Water Blvd

TOPIC Library Funding

Thank you very much.



## MAYOR & COUNCIL COMMUNICATION

DATE: 06/29/2010  
REGULAR  
ITEM #: 1  
ACTION Resolution 2010-031

**AGENDA ITEM:** A Resolution Establishing a Public Library System, Authorizing a Library Levy, and Establishing a Public Library Board for the City of Lake Elmo.

**SUBMITTED BY:** Mayor and City Council Members

**THROUGH:** Bruce A. Messelt, City Administrator *BAM*

**REVIEWED BY:** Dave Snyder, City Attorney

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**SUMMARY AND ACTION REQUESTED:** This item has been scheduled at the request of Mayor Johnston and the City Council in order to allow the City Council to act upon concerns regarding continuation of library services in Lake Elmo. The Washington County Library system currently operates the Rosalie E. Wahl branch library. However, past closure and concerns over the immediate future and long-term viability of this facility have predicated tonight's action to establish a public library system for the City of Lake Elmo, authorizing a Library Levy, and establishing a Public Library Board, pursuant to State Statutes. The proposed action, as per City Council discussion on June 15th, 2010 is included in the following motion:

**SUGGESTED MOTION:** *“Move to approve Resolution 2010-031, establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo*

**BACKGROUND INFORMATION:** On June 8th, 2010 the City Council discussed the current status of the operation of the Rosalie E. Wahl Branch Library and directed City Staff to prepare Resolution 2010-030, defining the City's concerns regarding Washington County Library's operation of the Rosalie E Wahl Branch Library. This Resolution was unanimously approved on June 15th, 2010.

Subsequent to this action, the City Administrator and City Attorney have met and/or spoken with County officials, researched applicable legal and financial implications, and spoken with representatives from the Minnesota Department of Revenue, Attorney General's Office, State Law Librarian, State Librarian, and MELSA (regional library system).

In March, 2010, the City Council directed the City Administrator and City Attorney to begin research on the current and potential future status of the Rosalie E. Wahl Branch Library. This followed action in December, 2009, during which time the Lake Elmo City Council endorsed a citizen-backed effort to seek Washington County consideration of shifting library hours at the Rosalie E. Wahl Branch Library from Monday to Saturday.

In January 2010, the Washington County Library Board unanimously rejected this consideration, citing concerns of treating all similarly-designated libraries the same and, in lieu of attempting to accommodate a shift of days served, calculating the potential cost of additional staffing for all similarly-designated libraries.

**STAFF REPORT:** City staff has subsequently met with Washington County and Washington County Library officials in February, April, and June 2010 to review the decision of the Library Board and to seek additional avenues for continued discussion. Additional information has been shared with the City Council in early April and again on June 8th and 15th for Council consideration.

Tonight, the City Council is requesting specific action via Resolution 2010-031 regarding establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo. This action would authorize the City to begin efforts to establish a municipal library system, should efforts to ensure the continued, viable operation of the Rosalie E. Wahl Branch Library by Washington County fail.

Of particular note, the draft resolution includes a 60-day period during which time the City may continue to work with the County toward a mutually acceptable agreement for continued operation of the Rosalie E. Wahl Branch Library, may establish with the County the terms and conditions for transfer of library services, pursuant to State Statutes, or may determine establishment of a municipal library is financial infeasible.

Three particular issues are raised for Council Consideration:

- **Legal Considerations** – Some questions have been raised regarding the ability of the City to establish a public library system and, in doing so, supplant and/or supplement the existing County-provided library services.

Research has established that this action is within the legal authority of the City. However, certain legal issues will remain to be addressed, should the City elect to move forward with establishment of a public library system;

- **Financial/Budgetary Considerations** – State statutes also allow for the City and County to separate library levy authority, once library services are assumed by the City. However, a lag in receipt of additional levy authority from the State will require either local funding or an agreement with the County to assist in local funding once services are transferred but while the County still retains levy authority.

Similarly, the City will need to begin earnest efforts to establish a target timeline and budget for start-up and operation of a public library. Should the City Council take action at tonight's meeting, it is recommended that the City seek timely discussions with Washington County, MELSA and the State of Minnesota regarding these financial issues, as well as seek budgetary and planning assistance from similarly-sized local libraries.

- **Public Policy Considerations** – Significant public policy issues also remain to be addressed, including potential City participation in continued provision of certain library services by Washington County, MELSA, and the State of Minnesota. Many of these are discretionary decisions to be made by the potential partners and, as such, rest outside of the independent purview and authority of the City.

**RECOMMENDATION:** It is recommended the City Council address tonight's issue and review with staff the proposed Resolution. In addition to consideration of the draft resolution, the City Council may elect to provide staff additional direction or action to be taken with respect to this topic. The recommended motion on tonight's agenda is as follows:

*“Move to approve Resolution 2010-031 “Move to approve Resolution 2010-031, establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo”*

Alternatively, the City Council does have the authority to table this item at its discretion for future consideration, thus taking no action tonight, or amend the recommended action. If the later is done so, the appropriate action of the Council following such discussion would be:

*“Move to approve Resolution 2010-031 establishing a Public Library System, authorizing a Library Levy, and establishing a Public Library Board for the City of Lake Elmo, [as amended at tonight's meeting].”*

**ATTACHMENTS:** Resolution 2010-031

**SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item ..... Mayor
- Brief Staff Report..... City Attorney and Administrator
- Questions from Council to Staff ..... Mayor Facilitates
- Public Input, if Appropriate ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA**

**RESOLUTION NO. 2010-31**

*A RESOLUTION ESTABLISHING A PUBLIC LIBRARY SYSTEM, AUTHORIZING A LIBRARY LEVY, AND ESTABLISHING A PUBLIC LIBRARY BOARD FOR THE CITY OF LAKE ELMO.*

**WHEREAS**, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the residents of the City currently receive library services through Washington County; and

**WHEREAS**, the City of Lake Elmo desires to establish and operate a City Public Library Service pursuant to Minnesota Statutes § 134.07 et seq.; and

**WHEREAS**, it is the intention of the City of Lake Elmo to provide well managed and quality library services for the residents of Lake Elmo; and

**WHEREAS**, the City of Lake Elmo intends to set aside public property of the City for the benefit of the Public Library Service; and

**WHEREAS**, the City Council discussed the establishment and operation of a Public Library Service at its June 29, 2010 meeting.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, the City Council of the City of Lake Elmo hereby establishes a City Public Library Service under Minnesota Statutes § 134.07 et seq., as follows:

- 1) Pursuant to Minnesota Statutes § 134.09, the City Council hereby establishes a five-person Library Board, with members to be appointed by the Mayor with the approval of the City Council from among the residents of the City.
- 2) The initial Library Board will have two residents of the City each appointed for a one-year term, two residents of the City each appointed for a two-year term, and one resident of the City appointed for a three-year term. Not more than one council member shall at any time be a member of the Library Board.

- 3) Said appointments will be effective on January 1, 2011, or a date to be determined by the City Council.
- 4) Following the initial appointment of the Library Board, all terms will be for three years, commencing on January 1 of the year the term begins, with Library Board members allowed to serve no more than three consecutive three-year terms.
- 5) The City Council will appoint an interim library director with the authority to organize and manage the Public Library System until a full time library director is appointed by the Library Board. The Library Board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause.
- 6) The City Council will levy an annual tax upon all taxable property within the City for the support of the library and will place such money in a designated Library Fund.
- 7) Pursuant to Minnesota Statutes § 134.11, the Library Board shall adopt bylaws and regulations for the library, and shall have exclusive control of the expenditure of all money collected for or placed to the credit of the Library Fund, of interest earned on all money collected for or placed to the credit of the Library Fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes.
- 8) The City shall set aside certain public property to be further specified by subsequent resolution for the benefit of the Public Library Service. With the approval of the council, the Library Board may erect a library building thereon.
- 9) The City Council may create a citizens' committee, to be comprised of residents from the City of Lake Elmo, to advise the City Council and the Library Board on issues of public concern related to the City of Lake Elmo Public Library Service.

Notwithstanding the foregoing, subsequent to date of this Resolution, the City will continue good faith negotiations with Washington County for the purposes of maintaining and improving existing library services or transferring library services from the County to the City and adjusting the special levy limits therefore in accordance with Minnesota Statutes § 275.72. If within sixty (60) days of the date of this Resolution, the City and Washington County resolve to provide library services to the residents of Lake Elmo and the City Council determines that the Public Library established herein is no longer desirable for the City, the City Council may by resolution dissolve the Public Library System and Library Board. Furthermore, the establishment of the Public Library System and the Library Board herein shall be contingent upon the City's determination that there is sufficient funding for the Public Library System. If within sixty (60) days of the date of this Resolution, the City Council determines that there is not sufficient funding for the Public Library System, the City Council may by resolution dissolve the Public Library System and Library Board.

Passed and duly adopted this 29th day of June 2010 by the City Council of the City of Lake Elmo, Minnesota.

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Dean A. Johnston, Mayor

ATTEST:

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Bruce Messelt, City Administrator